

Pro Se 15 2016

Hon. Richard A. Jones

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6 **IN THE UNITED STATES DISTRICT COURT FOR THE**
7 **WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

8 ABHIJIT BAGAL, an individual,

9 *Plaintiff,*

10 v.

11 KSHAMA SAWANT, in her official
12 and individual capacities as
13 Councilmember, District 3, of the
14 Seattle City Council;
15 LISA HERBOLD, in her official and
16 individual capacities as
17 Councilmember, District 1, of the
18 Seattle City Council; and
19 BRUCE HARRELL, in his official and
20 individual capacities as the Mayor of
21 the City of Seattle,22 *Defendants.*

Civil Action No. 2:23-cv-00721-RAJ

Action Filed: May 11, 2023

Judge: Hon. Richard A. Jones

23 **DECLARATION OF ABHIJIT**
24 **BAGAL IN SUPPORT OF**
PLAINTIFF'S REQUEST FOR
JUDICIAL NOTICE AND
PLAINTIFF'S OPPOSITION
TO DEFENDANTS' MOTION
TO DISMISS UNDER FRCP
12(b)(1) and 12(b)(6)

18 I, ABHIJIT BAGAL, being familiar with the facts set forth herein based on my personal
19 knowledge, and being competent to testify, hereby declare under penalty of perjury that the
20 following is true and correct:
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- 22 1. I am the Plaintiff, *Pro Se* in the above-captioned matter.
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2. I make this declaration in support of Plaintiff's concurrently filed Opposition to Defendants' Motion to Dismiss under FRCP 12(b)(1) and 12(b)(6) and Plaintiff's Request for Judicial Notice.
3. On July 21, 2023, I met and conferred by phone with Assistant City Attorney Kerala T. Cowart representing Defendants in this matter where I indicated that I wanted to proceed with the lawsuit.
4. On July 31, 2023, I had an email exchange with Assistant City Attorney Kerala T. Cowart where I indicated that on August 2, 2023, I will be filing my Opposition to Defendants Motion to Dismiss under FRCP 12(b)(1) and 12(b)(6).
5. On August 2, 2023, I personally accessed the official webpage of the Seattle City Clerk's Office for Council Bill CB 120511 containing all details of the "caste" ordinance. Under the "Documents and Supporting Research" section, I opened the document titled "Equality Labs, Caste in the United States, (2018)" and did a search for "vegetarian" that resulted in 20 matches. I then went to the third match on page 23 where it stated that "Upper' Caste Hindus are often vegetarian..." and displayed a picture (Figure 14) showing the link between vegetarianism and caste. The entire report can be found at this link: http://clerk.seattle.gov/~cfpics/cf_322573f.pdf A true and correct copy of page 23 of the above document is attached hereto as **Exhibit A**.
6. On August 2, 2023, I personally accessed the official PACER System and downloaded the Order on Motion for Judgement on the Pleadings (ECF No. 102) for 2:22-cv-07550-RGK-MAA *Sunil Kumar, Ph. D. et al v. Dr. Jolene Koester et al* (C.D. Cal. Jul 25, 2023). A true and correct copy of this document is attached hereto as **Exhibit B**.
7. On August 2, 2023, I personally accessed the Official Facebook page of Councilmember Kshama Sawant, then clicked on "Upcoming event" which opened a webpage for a

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1 Public Hearing event by Councilmember Kshama Sawant on September 21, 2023, at
2 Seattle City Hall titled “Public Hearing: Speak Out About Caste & Anti-Muslim
3 Discrimination”. A true and correct copy of this document is attached hereto as
4 **Exhibit C.**

5 8. On August 2, 2023, I personally accessed the official webpage of Coalition of Hindus of
6 North America (CoHNA) and clicked on “New Survey...” under “NEWS” which
7 opened the caste survey highlighting deeply entrenched biases - most Americans
8 associate caste with India (and therefore Hinduism) and believe that there are only four
9 castes. A true and correct copy of this document is attached hereto as **Exhibit D.**

10 9. On August 2, 2023, I personally accessed the official webpage of the Seattle City
11 Clerk’s Office for Council Bill CB 120511 containing all details of the “caste”
12 ordinance. Under the “Documents and Supporting Research” I looked at all the
13 documents and verified that they all link caste with Hinduism, India, and South Asia. I
14 also confirmed that not one single document in this list covers any other part of the
15 world other than South Asia. A true and correct copy of the list of above documents is
16 attached hereto as **Exhibit E.**

17 10. On August 2, 2023, I personally accessed the official webpage of the Seattle City
18 Council and opened the News Release dated January 24, 2023, by Councilmember
19 Kshama Sawant which stated that “With over 167,000 people from South Asia living in
20 Washington, largely concentrated in the Greater Seattle area, the region must address
21 caste discrimination, and not allow it to remain invisible and unaddressed.” A true and
22 correct copy of this document is attached hereto as **Exhibit F.**

23 11. On August 2, 2023, I personally accessed the Official Facebook page of Councilmember
24 Kshama Sawant, then clicked on “Upcoming event” which opened a webpage for a

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1 Public Hearing by Councilmember Kshama Sawant on September 21, 2023, at Seattle
2 City Hall titled “Public Hearing: Speak Out About Caste & Anti-Muslim
3 Discrimination”. In the Details section, I then clicked on the link under “Please share
4 your testimonials here:” which took me to a Google Document Titled “Have you
5 experienced discrimination based on your caste or Muslim identity in the workplace, in
6 housing, or at school in Washington state?” on a Letterhead containing names of
7 Councilmember Kshama Sawant, Indian American Muslim Council, Socialist
8 Alternative, Workers Strike Back, and Coalition of Seattle Indians. A true and correct
9 copy of this document is attached hereto as **Exhibit G**.

10 12. On August 2, 2023, I personally accessed the official webpage of the Seattle City
11 Clerk’s Office for Council Bill CB 120511 containing all details of the “caste”
12 ordinance. Under the “Documents and Supporting Research” section, I opened the
13 document titled “Email from Suresh Krishnamoorthy, Coalition of Hindus of North
14 America, Councilwoman Kshama Sawant comments about CoHNA” which opened an
15 email from CoHNA stating that Councilmember Kshama Sawant has labeled CoHNA as
16 “extremely right wing and extremely aligned with the regime that is currently in power
17 in India.” A true and correct copy of this document is attached hereto as **Exhibit H**.

18 13. On August 2, 2023, I personally accessed the Official Seattle City Council webpage of
19 Councilmember Kshama Sawant, then clicked on “Previous entries” at the bottom of the
20 page. I then clicked on the link titled “My letter to Rep. Pramila Jayapal: Support our
21 fight to make Seattle the first city to ban caste discrimination” which opened the letter
22 stating that “CoHNA has extremely right-wing agendas.” A true and correct copy of this
23 document is attached hereto as **Exhibit I**.

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1 14. On August 2, 2023, I personally accessed the official webpage of the Seattle City
2 Council and opened the News Release dated February 4, 2023, by Councilmember
3 Kshama Sawant which quoted Thenmozhi Soundarajan, Executive Director of Equality
4 Labs as saying “Seattle is leading the moral consensus in the global outcry against the
5 CAA. When genocidal campaigns begin, one important intervention is international
6 condemnation, and the Seattle community feels a deep sense of solidarity with their
7 electeds, as the time to stand against the Indian government’s Islamophobic policies is
8 now,” and ““These genocidal projects happen in the shadows and this resolution
9 highlights the significance of Seattle City Council standing up for South Asian
10 minorities, Muslims, and caste oppressed communities.” A true and correct copy of this
11 document is attached hereto as **Exhibit J**.

12 15. On August 2, 2023, I personally accessed the official webpage of Social Science
13 Research Network (SSRN) and downloaded the paper titled “Stigmatic Harm and
14 Standing.” A true and correct copy of this document is attached hereto as **Exhibit K**.

15 16. On August 2, 2023, I personally accessed the Official Seattle City Council webpage of
16 Councilmember Kshama Sawant, then clicked on “Previous entries” at the bottom of the
17 page. I then clicked on the link titled “My letter to Rep. Pramila Jayapal: Support our
18 fight to make Seattle the first city to ban caste discrimination” which opened the letter.
19 In the letter, I clicked on the link “Frequently Asked Questions” which then opened a
20 Document on Official Letterhead of Councilmember Kshama Sawant describing Hindu-
21 Americans as “right wing”. A true and correct copy of this document is attached hereto
22 as **Exhibit L**.

23 17. On August 2, 2023, I personally accessed the Official webpage of Seattle Office for
24 Civil Rights. I then clicked on “Civil Rights Enforcement”, then “New Laws and

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Amendments”, then “Caste”. This opened the definition of caste stating that “Caste is a system of rigid social stratification characterized by hereditary status, endogamy, and social barriers sanctioned by custom, law, or religion.” A true and correct copy of this document is attached hereto as **Exhibit M**.

18. On August 2, 2023, I personally accessed the official webpage of the Seattle City Clerk’s Office for Council Bill CB 120511 containing all details of the “caste” ordinance. I then clicked on the tab titled “4. Central Staff Memo” which opened a Memorandum to Seattle City Council from Asha Venkataraman, Analyst/Central Staff dated February 16, 2023, providing background information on protected classes and caste as defined by the Merriam-Webster dictionary. A true and correct copy of this document is attached hereto as **Exhibit N**.

19. On August 2, 2023, I personally accessed the official webpage of Merriam Webster Dictionary and searched using the term “Caste.” This resulted in a webpage showing four definitions of caste, the primary and first definition being “one of the hereditary social classes in Hinduism that restrict the occupation of their members and their association with the members of other castes.” A true and correct copy of this document is attached hereto as **Exhibit O**.

20. On August 2, 2023, I personally accessed the official webpage of Ministry of Social Justice & Empowerment, Government of India, and clicked on “Scheduled Caste Welfare”, then “List of Scheduled Castes”. This opened a webpage displaying lists of different States of India, each having their own definition and classification of caste. A true and correct copy of this document is attached hereto as **Exhibit P**.

21. On August 2, 2023, I personally accessed the official webpage of the Seattle City Clerk’s Office for Council Bill CB 120511 containing all details of the “caste”

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1 ordinance. Under the “Documents and Supporting Research” section, I opened the
2 document titled “Ishisaka, Naomi, How India's caste system manifests in Seattle-area
3 workplaces and beyond, Seattle Times, Feb. 20, 2023.” which opened a news article
4 from Seattle Times titled “How India’s caste system manifests in Seattle...” and
5 described it as “a hierarchical system dating back thousands of years... originated from
6 Hinduism in India...”. A true and correct copy of this document is attached hereto as
7 **Exhibit Q.**

8 22. On June 25, 2023, I received an email from Councilmember Kshama Sawant titled
9 “Defend California's proposed caste discrimination ban, following Seattle's historic
10 victory!” On August 2, 2023, I re-opened the email and clicked “View this email in
11 your browser” which opened another webpage. I then clicked “Past Issues” that opened
12 a list of emails from Councilmember Kshama Sawant from May 11, 2023, until July 31,
13 2023. From this list, I clicked on the link titled “05/23/2023 - Have you experienced
14 caste discrimination or Islamophobia? Share your story!” which opened an event about a
15 public hearing by Councilmember Kshama Sawant on September 21, 2023, at Seattle
16 City Hall stating that “Seattle’s ban against caste discrimination represents a rare
17 offensive victory for working people against the billionaire-backed, far-right Bharatiya
18 Janata Party (BJP) and Prime Minister Narendra Modi’s government in India, and a
19 model for how working people everywhere can fight the right wing. It’s no coincidence
20 that right-wing organizations like the Hindu American Foundation, which are aligned
21 with the BJP, strenuously opposed the Seattle ban on caste discrimination.” A true and
22 correct copy of these above documents is attached hereto as **Exhibit R.**

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I declare under penalty of perjury that the foregoing is true and correct.

DATED this 2nd day of August 2023 at Morrisville, Wake County, North Carolina.

Signature: /s/ Abhijit Bagal

Printed Name: ABHIJIT BAGAL (Plaintiff, *Pro Se*)

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